

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

AMES TRUE TEMPER, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-1694
)	
MYERS INDUSTRIES, INC.,)	Judge Terrence F. McVerry
LISTO PRODUCTS, LTD.,)	Magistrate Judge Amy Reynolds Hay
)	
Defendants.)	

LISTO PRODUCTS, LTD.,)	
)	
Counter-Claimant,)	
)	
v.)	
)	
AMES TRUE TEMPER, INC.,)	
)	
Counter-Defendant.)	

ORDER

AND NOW, this 30th day of November, 2007, after the plaintiff, Ames True Temper, filed a motion for relief from judgment pursuant to Fed. R. Civ. P. Rule 60(b)(3), to reopen the case and for leave to file an amended complaint pursuant to Fed. R. Civ. P. 15(a), and a motion for leave to take discovery in connection with its Rule 60(b)(3) motion, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff and the response to those objections filed by defendant, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that plaintiff's motion for relief from judgment pursuant to Fed. R. Civ. P. Rule 60(b)(3), to reopen the case and for leave to file an amended complaint pursuant to Fed. R. Civ. P. 15(a) [Doc. 21], is denied, and that plaintiff's motion for leave to take discovery in connection with its Rule 60(b)(3) motion [Doc. 30], is also denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire(s) to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

All Parties by electronic filing